

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

THARE JOSUE NAVARRO ROBLES (1)
and ALEX GEOVANNI ZEPEDA MORALES
(2),

Defendants.

No. 4:16-CR-6019-EFS-1
4:16-CR-6019-EFS-2

**ORDER GRANTING THE USAO'S MOTION
FOR DISCLOSURE TO DEFENSE COUNSEL
BUT NOT UNSEALING, MOTION FOR
PROTECTIVE ORDER, AND RELATED
MOTIONS TO EXPEDITE**

Before the Court, without oral argument, are the United States Attorney's Office's (USAO) Motion for Disclosure to Defense Counsel But Not Unsealing, ECF No. 54, Motion for Protective Order, ECF No. 58, and two related Motions to Expedite Hearing. ECF Nos. 55 & 59. The USAO seeks permission to disclose certain sealed documents to defense counsel without unsealing the documents and to set parameters for the parties' use of sealed documents during discovery and court hearings because the sealed documents pertain to an ongoing investigation and there is a need to protect the safety and security of any confidential informants. ECF No. 54. The USAO also seeks a protective order regarding sealed information. ECF No. 58. Because resolution of these motions is necessary to further discovery in this case, which is set for trial on

1 June 13, 2016, the Court finds good cause to expedite consideration of
2 these motions.

3 The investigation that resulted in the Indictment in this case
4 involved a number of warrants filed under seal with a magistrate judge.
5 ECF No. 54 at 2. Although these documents should remain sealed to protect
6 any confidential informants and to avoid jeopardizing an ongoing
7 investigation, Defendants and their counsel must have access to these
8 documents to prepare their defense. Therefore, the Court finds good
9 cause to grant the USAO's motions and order that the search warrants in
10 case numbers 4:16-MJ-07018-MKD, 4:16-MJ-07028-MKD, and 4:16-MJ-07029-
11 MKD be disclosed to defense counsel but remain sealed to the public.
12 The Court also finds good cause to grant the USAO's motion for a
13 protective order related to the dissemination of discovery as set forth
14 below. The parties are expected to be vigilant in protecting the
15 identity of any confidential informants referenced in sealed documents.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. The USAO's Motions to Expedite Hearing, **ECF Nos. 55 & 59**,
18 are **GRANTED**.

19 2. The USAO's Motion for Disclosure to Defense Counsel But Not
20 Unsealing, **ECF No. 54**, is **GRANTED**.

21 3. The USAO's Motion for a Protective Order, **ECF No. 58**, is
22 **GRANTED**, and a protective order is entered, as follows:

23 A. The USAO will provide the Protected Discovery, i.e.,
24 the sealed documents in 4:16-MJ-07018-MKD, 4:16-07028-
25 MKD, and 4:16-MJ-07029-MKD, on an on-going basis to
26 defense counsel;

1 B. Defense counsel may possess but not copy (excluding the
2 production of necessary working copies) the Protected
3 Discovery;

4 C. Defense counsel may show to and discuss with the
5 Defendants the Protected Discovery, but defense counsel
6 may not provide original or copies to Defendants;

7 D. Defense counsel shall not otherwise provide original
8 or copies of the Protected Discovery to any other
9 person, including subsequently appointed or retained
10 defense counsel, but excluding any staff of defense
11 counsel or investigator and/or expert engaged by
12 defense counsel, who will also be bound by the terms
13 and conditions of this Order;

14 E. The United States and defense counsel, and their
15 respective agents, may reference the existence and
16 content of the Protected Discovery in open and closed
17 court proceedings relevant to 4:16-CR-6019-EFS;

18 F. Unless the Court directs otherwise in the future, any
19 future pleadings filed under the above-referenced cause
20 number that references the contents of the Protected
21 Discovery, should be filed under seal (no motion to
22 seal is necessary);

23 G. The Protected Discovery is subject to the Protective
24 Order already entered in this cause, ECF No. 23; and

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1 H. The parties reserve the right to seek relief from this
2 Order should the need arise for good cause shown.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
4 Order and provide copies to all counsel and to Magistrate Judge Dimke.

5 **DATED** this 22nd day of April 2016.

6
7 s/Edward F. Shea
8 EDWARD F. SHEA
9 Senior United States District Judge
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